



May 16, 2017

FREEDOM OF INFORMATION ACT REQUEST

Via <https://foiaonline.regulations.gov>

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

Re: Freedom of Information Act Request – Documents Related to the State of Washington’s Water Quality Standards

Dear FOIA Officer:

On behalf of Earthjustice and Puget Soundkeeper Alliance, this letter requests information pursuant to the Freedom of Information Act (“FOIA”) 5 U.S.C. § 552, and the pertinent Environmental Protection Agency (“EPA” or “Agency”) regulations, 40 C.F.R § 2.100 *et seq.* The relevant time period for this request is from January 1, 2017, to the time the response to this request is provided.

FOIA REQUEST

A. Definitions

For purposes of this request, the term “records” is used to mean anything denoted by that word or its singular form in the text of FOIA. In particular, the term includes, but is not limited to, documents (handwritten, typed, electronic or otherwise produced, reproduced, or stored), letters, e-mails, facsimiles, memoranda, correspondence, notes, databases, drawings, graphs, charts, photographs, minutes of meetings, electronic and magnetic recordings of meetings, and any other compilation of data from which information can be obtained.

Additionally, for purposes of this request, “Petition for Reconsideration” is defined as the Petition for Reconsideration of EPA’s Partial Disapproval of Washington’s Human Health Water Quality Criteria and Implementation Tools submitted by the State of Washington on August 1, 2016, and Repeal of the Final Rule Revision of Certain Federal Water Quality Standards Applicable to Washington, 81 Fed. Reg. 85,417 (Nov. 28, 2016) which was submitted to EPA by Northwest Pulp & Paper Association, American Forest and Paper Association, Association of Washington Business, Greater Spokane Incorporated, Treated Wood Council, Western Wood

Preservers Institute, Utility Water Act Group, and Washington Farm Bureau on February 21, 2017.

B. Documents Requested

Any and all records of correspondence or communication (and references thereto) between Doug Ericksen and any party, including, but not limited to, Northwest Pulp & Paper Association, American Forest and Paper Association, Association of Washington Business, Greater Spokane Incorporated, Treated Wood Council, Western Wood Preservers Institute, Utility Water Act Group, or Washington Farm Bureau and/or any representative, employee, or agent of those organizations, regarding the Petition for Reconsideration.

C. Disclosure of Documents

We ask that you disclose this information as it becomes available to you without waiting until all of the communications and records have been assembled for the time period requested. We request electronic copies of the records whenever possible.

If photocopies or electronic copies of the above-requested documents can be provided for \$25 or less, please simply copy the responsive documents and provide them to the address shown below with an invoice for the amount due and my office will reimburse the costs. If, in your best estimate, copies of the documents responsive to this request cannot be provided for \$25 or less, please call me to make other arrangements.

We remind you that FOIA requires that you respond within 20 working days of your receipt of this request, *see* 5 U.S.C. § 552(a)(6)(A)(i), and that that response must “at least indicate within the relevant time period the scope of the documents [you] will produce and the exemptions[, if any, you] will claim with respect to any withheld documents.” *Citizens for Responsibility & Ethics in Washington v. F.E.C.*, 711 F.3d 180, 182-83 (D.C. Cir. 2013).

D. Claims of Exemption from Disclosure

If you regard any documents as exempt from required disclosure under the Act, please exercise your discretion to disclose them nevertheless. *See* Memorandum from the Attorney General to Heads of Executive Departments and Agencies (Mar. 19, 2009) (“[A]n agency should not withhold information simply because it may do so legally. I strongly encourage agencies to make discretionary disclosures of information. An agency should not withhold records merely because it can demonstrate, as a technical matter, that the records fall within the scope of a FOIA exemption.”), *available at* <http://www.justice.gov/ag/foia-memo-march2009.pdf>.

Should you determine that any records may be withheld under FOIA’s narrow exemptions, please identify each allegedly exempt record in writing, provide a brief description of that record, and explain the agency’s justification for withholding it. If a document contains both exempt and non-exempt information, please provide those portions of the document that are not exempted from disclosure. Finally, if a document does not exist, please indicate that in your written response.

Please contact the undersigned should you have any questions regarding this request.
Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marisa C. Ordonia', written over a horizontal line.

Marisa C. Ordonia

Earthjustice

And on behalf of Puget Soundkeeper Alliance

cc: Chris Wilke, Puget Soundkeeper Alliance
Katelyn Kinn, Puget Soundkeeper Alliance